

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:12cv36**

**UNITED STATES OF AMERICA,** )

**Plaintiff,** )

**vs.** )

**O R D E R**

**FRANCES CARLSON,** )

**REIDAR G. CARLSON, and** )

**REIDAR'S RETREAT, LLC,** )

**Defendants.** )

**THIS MATTER** is before the Court on the Defendants' Motion to Dismiss for Lack of Jurisdiction, or Improper Venue, or in the Alternative, Motion to Change Venue [Doc. 6] and the Magistrate Judge's Memorandum and Recommendation [Doc. 8] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the Defendants' motion and to submit recommendations for its disposition.

On August 27, 2012, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 8] in this case containing proposed conclusions of law

in support of a recommendation that the Defendants' motion be denied. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation [Doc. 8], the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Defendants' Motion to Dismiss for Lack of Jurisdiction, or Improper Venue, or in the Alternative, Motion to Change Venue [Doc. 6] be denied.

With the filing of the Defendants' Answer [Doc. 10], issues have now joined in this case. Accordingly, the parties are directed to conduct an initial attorneys' conference within fourteen (14) days of the entry of this Order and file a certificate of initial attorneys' conference within seven (7) days thereafter.

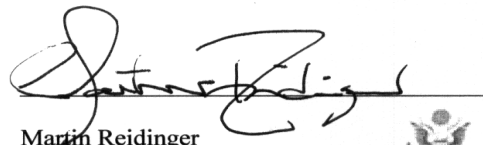
**IT IS, THEREFORE, ORDERED** that the Magistrate Judge's Memorandum and Recommendation [Doc. 8] is **ACCEPTED**, and the

Defendants' Motion to Dismiss for Lack of Jurisdiction, or Improper Venue, or in the Alternative, Motion to Change Venue [Doc. 6] is **DENIED**.

**IT IS FURTHER ORDERED** that the parties shall conduct an initial attorneys' conference within fourteen (14) days of the entry of this Order and file a certificate of initial attorneys' conference within seven (7) days thereafter.

**IT IS SO ORDERED.**

Signed: September 18, 2012

  
Martin Reidinger  
United States District Judge

